

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

ROBERT KALANI,

Plaintiff,

vs.

SUKHINDER JIT SINGH RANDHAWA;  
GURSHARAN JIT SINGH RANDHAWA;  
DIDAR S. RANDHAWA; DALJIT S.  
GROVER dba CHEROKEE LANE  
SERVICE STATION,

Defendants.

No. 2:12-CV-02453-KJM-DAD

**STIPULATION AND ORDER SETTING  
ASIDE ENTRY OF DEFAULT**

Plaintiff, ROBERT KALANI, (“Plaintiff”) and Defendants SUKHINDER JIT SINGH RANDHAWA, GURSHARAN JIT SINGH RANDHAWA, DIDAR S. RANDHAWA, DALJIT S. GROVER dba CHEROKEE LANE SERVICE STATION (“Defendants”), by and through their attorneys of record, agree as follows:

1. On November 30, 2012, the Clerk entered the Default of Defendants SUKHINDER JIT SINGH RANDHAWA, GURSHARAN JIT SINGH RANDHAWA, DIDAR S. RANDHAWA, DALJIT S. GROVER dba CHEROKEE LANE SERVICE STATION.

2. On January 31, 2013, the Plaintiff filed a Motion for Default Judgment which was heard on March 1, 2013. Defendants appeared In Pro Per and provided a letter in open court.

3. On March 4, 2013 the court issued an Order granting Defendants 30 days to either retain counsel and have counsel file a responsive pleading or, if proceeding pro se, to each file a responsive pleading. If no Defendant filed a responsive pleading after 30 days, Plaintiff was to re-notice his Motion for Default Judgment.

3. On April 4, 2013 Plaintiff re-filed his motion for default judgment which was set for hearing on May 3, 2013 at 10:00 am.

4. On April 22, 2013 attorney S. Dean Ruiz contacted Plaintiff's counsel via email regarding the pending hearing and to advise that he was meeting with Defendants on April 25, 2013 for possible retention.

5. On April 25, 2013 attorney S. Dean Ruiz contacted Plaintiff's counsel via email to advise that he had been retained and requested a continuance of the default hearing to which Plaintiff's counsel agreed.

6. On April 26, 2013 Plaintiff's counsel served Defendants' counsel with a Notice of Continuance of Hearing on Motion for Default Judgment which is currently set to be heard on May 17, 2013.

7. The Parties hereby stipulate and agree that the Court, based on good cause, should set aside Defendants' defaults. The Parties stipulate that good cause exists based on the fact that Defendants have a substantial language barrier and did not understand what was required of them in this action or, specifically, the Court's Order. As a result, Defendants' failure to file an answer was based on inadvertence.

8. The Parties further agree that Plaintiff's Motion for Default Judgment be vacated upon entry of the Order setting aside the defaults.

9. The Parties further agree that Defendants shall have five (5) days from entry of the Order hereon to file the Answer attached hereto as **Exhibit "A."**

May 15, 2013

MOORE LAW FIRM, P.C.

BY /s/ Tanya E. Moore  
Tanya E. Moore, Attorneys for  
Plaintiff, ROBERT KALANI

May 15, 2013

HARRIS, PERISHO & RUIZ

BY /s/ S. Dean Ruiz

S. DEAN RUIZ, Attorneys for  
Defendants SUKHINDER JIT SINGH  
RANDHAWA, GURSHARAN JIT SINGH  
RANDHAWA, DIDAR S. RANDHAWA,  
DALJIT S. GROVER dba CHEROKEE  
LANE SERVICE STATION

**ORDER**

The Parties having so stipulated and good cause appearing,

IT IS HEREBY ORDERED as follows:

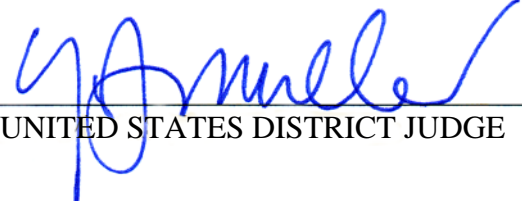
1. The defaults of Defendants SUKHINDER JIT SINGH RANDHAWA, GURSHARAN JIT SINGH RANDHAWA, DIDAR S. RANDHAWA, DALJIT S. GROVER dba CHEROKEE LANE SERVICE STATION, are hereby set aside pursuant to Federal Rules of Civil Procedure 55(c);

2. The Motion for Default Judgment set for May 17, 2013 is vacated;

3. Defendants shall have five (5) days from the filing of this Order to file their Answer which was attached to the Parties' Stipulation as Exhibit "A."

**IT IS SO ORDERED.**

Dated: May 16, 2013.

  
UNITED STATES DISTRICT JUDGE